



Terri Kondeff
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Senators THAYN, Crabtree, Ward-Engelking and,
Representatives CLOW, Kerby, McCrostie

FROM: Elizabeth Bowen - Principal Legislative Drafting Attorney

DATE: August 04, 2021

SUBJECT: Temporary Rule

IDAPA 55.00.00 - Notice of Omnibus Rulemaking - Adoption of Temporary Rule - Docket No.
55-0000-2100

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Elizabeth Bowen at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

IDAPA 55 – STATE BOARD OF CAREER TECHNICAL EDUCATION

DOCKET NO. 55-0000-2100

NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rules being adopted through this omnibus rulemaking as listed in the descriptive summary of this notice is July 1, 2021.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted temporary rules. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-101, 33-105, 33-107, 33-1002G, 33-1629, 33-2202, 33-2207, and 33-2211, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting the temporary rules:

This temporary rulemaking adopts and republishes the following existing rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 55, rules of the State Board of Career Technical Education:

IDAPA 55

- 55.01.03, *Rules of Career Technical Schools*; and
- 55.01.04, *Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants*.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a), (b), and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These temporary rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules.

FEE SUMMARY: This rulemaking does not impose a fee or charge.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rules, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or tracie.bent@osbe.idaho.gov.

DATED this 1st day of July, 2021.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education
650 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0037
Phone: (208) 332-1582
Fax: (208) 334-2632
Email: tracie.bent@osbe.idaho.gov

DAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL SCHOOLS

000. LEGAL AUTHORITY.

The State Board of Education is designated as the State Board for Career Technical Education and is responsible to execute the laws of the state of Idaho relative to career technical education, administer state and federal funds, and through the administrator of the State Division of Career Technical Education, coordinate all efforts in career technical education (Section 33-2202 through 33-2212, Idaho Code). (7-1-21)T

001. SCOPE.

These rules serve the administration of Career Technical schools in Idaho and define the duties of the State Division of Career Technical Education. (7-1-21)T

002. -- 004. (RESERVED)

005. DEFINITIONS.

01. Administrator. A designated school administrator, holding a career technical administrator certificate pursuant to IDAPA 08.02.02, "Rules Governing Uniformity," Section 015, and who oversees and monitors the career technical school programs and is responsible for ensuring the school meets all applicable federal, state, and local school district regulations, rules, and policies. (7-1-21)T

02. Capstone Course. A culminating course that requires students to demonstrate the knowledge and skills learned throughout their program of study. (7-1-21)T

03. Career Technical Schools. Schools meeting the requirements of Section 33-1002G, Idaho Code, designed to provide high-end, state-of-the-art technical programs that foster quality technical education through intermediate and capstone courses. Programs and services are directly related to the preparation of high school students for employment in current or emerging occupations that require other than a baccalaureate or advanced degree. These schools are closely linked to postsecondary education, thereby avoiding redundancy and maintaining rigor. They are also closely linked to current business and industry standards to ensure relevance and quality. (7-1-21)T

04. Concentrator Student. A junior or senior enrolled in the capstone course. (7-1-21)T

05. Credit Hours. The total number of enrolled credit hours reported to the State Department of Education for qualifying intermediate, capstone, and work-based learning courses. (7-1-21)T

06. EDUID. Education Unique Identifier. (7-1-21)T

07. Enrollment Units. The total number of individual EDUIDs that are reported as enrolled during the previous academic year in a qualifying capstone course, as determined by the division. (7-1-21)T

08. Intermediate Course. A course beyond the introductory level that adds to the technical competencies of pathway students, is intended to serve as a prerequisite for a capstone course, and is offered in grades 9 through 12. (7-1-21)T

09. Participation Total. The total number of technical skill assessments taken by enrolled concentrator students as part of each required capstone course during the previous academic year. (7-1-21)T

10. Technical Skill Assessment. An assessment given at the culmination of a pathway program during the capstone course and measures a student's understanding of the technical requirements of the occupational pathway. (7-1-21)T

11. Work-based Learning Course. A paid or unpaid, internship, clinical, or apprenticeship that is delivered as part of a Career Technical School program of study. This course must be delivered in conjunction with or after completion of a capstone course. Work-based learning courses must be tied to the program of study, and must be formalized through a written agreement between the school, industry partner, parent, and student. (7-1-21)T

006. -- 101. (RESERVED)

102. CAREER TECHNICAL COMPONENT CRITERIA.

01. Program Criteria. Career technical schools are intended to deliver high-end technical education programs that go beyond the scope of traditional career technical education. Labs are appropriately designed for the type of program and the number of students enrolled. The program has state-of-the-art equipment, current technology and strong links to business and industry. (7-1-21)T

02. Career Technical School Program. Each program of a career technical school shall: (7-1-21)T

- a.** Deliver a sequence of career technical education courses that culminate in a capstone course. (7-1-21)T
- b.** Meet all of the required technical competency credit standards established by the state board of education. (7-1-21)T
- c.** Develop and maintain business and industry partnerships in addition to the technical advisory committee. (7-1-21)T
- d.** Integrate industry-specific, state-of-the-art equipment and technologies into classroom instruction and applied learning opportunities for students. (7-1-21)T
- e.** Employ instructors who hold career technical certification to teach the occupation and who also hold a related industry-based credential, or equivalent credential, as approved by the Division of Career Technical Education. (7-1-21)T
- f.** Be delivered over a term of not less than five (5) semesters, or the equivalent instructional hours. Semester and trimester equivalencies will be approved by the Division of Career Technical Education. (7-1-21)T
- g.** Enroll students from at least two (2) high schools. No single high school will comprise more than eighty-five percent (85%) of the total enrolled career technical school students. In the event a student enrolled in the career technical school is not enrolled in a high school, that student will be reported separately, based on the high school attendance zone where the student resides. (7-1-21)T
- h.** Promote the development of leadership. (7-1-21)T

103. APPLICATION PROCESS.

New and renewal applications for career technical school funding must be received by the Division of Career Technical Education on or before the fifteenth of April for the following fiscal year. (7-1-21)T

104. CAREER TECHNICAL SCHOOL ADDED COST UNIT FUNDING AND ELIGIBILITY.

Section 33-1002G, Idaho Code, provides school districts an opportunity to establish career technical schools that qualify for funding appropriated for the specific purpose of supporting the added cost of career technical schools. The funds are appropriated to the State Board for Career Technical Education to be expended by the Division of Career Technical Education. Funding is distributed based on the number of students enrolled in a capstone course during the previous academic year, the aggregate total of the students who completed the technical skill assessment for the program the student was enrolled in, and the total credit hours reported by each school for intermediate, capstone, and work-based learning courses. If any approved program within a career technical school does not enroll students from more than one (1) high school during the previous academic year, the program will not be included in the current year funding calculation. If the overall enrollment school exceeds more than eighty-five percent (85%) of students from any single high school during the previous school year, the Division of Career Technical Education may withhold all or part of the career technical school's funding. (7-1-21)T

105. CAREER TECHNICAL SCHOOL FUNDING CALCULATION.

The distribution of individual career technical school funding will be calculated as a portion of the annual appropriation based on the following criteria: 50 percent (50%) of the annual appropriation will be divided among the total enrollment units, 25 percent (25%) will be divided by the total participation, and 25 percent (25%) will be

divided among the total cumulative credit hours. Qualifying pathway enrollment will be reported to the Department of Education. The Division of Career Technical Education will gather participation data from the independent technical skill assessment providers annually. (7-1-21)T

106. (RESERVED)

107. CAREER TECHNICAL SCHOOL UNIT FUND DISTRIBUTION.

Once the career technical appropriation is made, the per unit value will be determined by dividing the total units into the appropriation. The value of each unit may vary from year to year, depending on the total appropriation and the total number of units in each of the enrollment categories. (7-1-21)T

01. Payment Distribution. Added cost support unit funds shall be distributed by the Division of Career Technical Education in two (2) payments: (7-1-21)T

a. Seventy percent (70%) of the total appropriated funds for which career technical schools are eligible shall be distributed no later than September 30th each year. Funding will not be distributed until the previous year enrollment units and the Division of Career Technical Education has verified aggregate participation data. (7-1-21)T

b. The remaining funds shall be distributed no later than June 30th. (7-1-21)T

108. ACCOUNTABILITY.

01. Assessment Process. The Division of Career Technical Education shall develop an assessment process that includes measures and standards for career technical school programs. (7-1-21)T

02. Reporting. No later than October 15 of each year, career technical schools will submit a report to the Division of Career Technical Education, detailing their enrollment at the program level by high school. (7-1-21)T

03. Administrator Responsibility. The administrator of each career technical school shall be responsible to provide onsite administration of the career technical school. The administrator will submit all required career technical school reports requested by the Division of Career Technical Education. (7-1-21)T

04. Accreditation. Each career technical school shall be accredited following Board of Education requirements. This accreditation shall be appropriate for the individual type of career technical school that is developed. (7-1-21)T

05. School Improvement Plan. The administration, faculty and staff at each career technical school is responsible to develop and implement a local school improvement plan based on the assessment process developed by the Division of Career Technical Education. (7-1-21)T

109. -- 999. (RESERVED)

**55.01.04 – RULES GOVERNING IDAHO QUALITY PROGRAM STANDARDS INCENTIVE GRANTS
AND AGRICULTURAL EDUCATION PROGRAM START-UP GRANTS**

000. LEGAL AUTHORITY.

This chapter is adopted under authority of Section 33-1629, Idaho Code. (7-1-21)T

001. SCOPE.

These rules govern the standards and procedures for application to the Idaho Quality Program Standards Incentive Grants and the Agricultural Education Program Start-up Grants as administered by the Idaho Division of Career Technical Education. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS AND ABBREVIATIONS.

01. Administrator. The administrator for the Division of Career Technical Education. (7-1-21)T

02. Agricultural and Natural Resources Program. A program approved by the Division of Career Technical Education that is a standards-based curriculum in agriculture, food and natural resources systems delivered through an integrated model that incorporates classroom and laboratory instruction, experiential learning and student leadership and personal development. (7-1-21)T

03. Board. The State Board for Career Technical Education. (7-1-21)T

04. Division. The Division of Career Technical Education. (7-1-21)T

05. FTE. Full Time Equivalent employee. (7-1-21)T

06. School District or District. A public school district or a charter school authorized by the Public Charter School Commission or school district. (7-1-21)T

011. -- 099. (RESERVED)

100. INCENTIVE GRANT.

01. Eligibility Requirements. Eligible applicants must meet quality program and instructor requirements as approved by the board. Applicants may re-apply each year regardless of whether they have received a previous grant award. (7-1-21)T

a. An agricultural and natural resources program in any grade, nine (9) through twelve (12), must first meet the minimum program-specific quality program standards as approved by the board. (7-1-21)T

b. Programs will be rated on a scale consisting of “non-existent,” “below basic,” “basic,” “qualified,” “distinguished,” and “exemplary.” Eligibility requires that the program must meet each of the program quality indicators at the level of “basic” or higher. Programs must also have an overall average rating of no less than “distinguished” for all program-specific quality standards. This average will be calculated using the quality indicators within each standard. Programs that do not meet the minimum quality standards requirements in one (1) year may be found eligible in subsequent year. Programs will be assessed by the division. (7-1-21)T

c. Instructors must teach in an agricultural and natural resources program that meets the quality program standards and must also meet the instructor-specific quality program standard as approved by the board. (7-1-21)T

d. Instructors will be rated on a scale consisting of “non-existent,” “below basic,” “basic,” “qualified,” “distinguished,” and “exemplary.” Eligibility requires that the instructor must meet each of the program quality indicators at the level of “basic” or higher. Instructors must also have an average rating of no less than “distinguished” for all instructor-specific quality indicators. Instructors that do not meet the minimum quality standards requirements in one (1) year may be found eligible in a subsequent year. All instructors of agricultural and natural resources programs in grades nine (9) through twelve (12) are eligible to apply for the grant. (7-1-21)T

e. Payments to districts will be adjusted according to the percent of time an instructor teaches within an approved agricultural and natural resources program. (7-1-21)T

f. Should the division request additional information from a school district regarding a grant application, districts must respond to the request within the time period indicated. Failure to respond will result in the cancellation of the application and/or the forfeiture of the grant. (7-1-21)T

02. Application Process. The application process consists of a formal application and assessment. (7-1-21)T

a. To be considered for the grant, a school district must first complete and submit a formal application and supporting documentation on behalf of an instructor for an approved program according to the timeline established by the administrator. Applications may be submitted electronically to the division. In the event of a mailed application, applications must be postmarked no later than the timeline specified by the division. Instructors may not apply on their own behalf. (7-1-21)T

b. Following the receipt of an application, the division will conduct an assessment of the program and instructor to ensure they both meet the minimum eligibility requirements, as outlined in the quality program standards. At the administrator's discretion, the division may partner with additional subject-matter experts to assist in the evaluation. Assessments will be conducted each school year the instructor and program participate in the grant program. Districts will only be eligible to apply for the grant during the academic year the program received an assessment. Prior assessments cannot be used for subsequent grant applications. (7-1-21)T

03. Selection of Grant Recipients. Grants will be awarded annually based on the availability of grant funds and the number of qualified applicants. Grants will be awarded to applicants based on ranking in accordance with the following criteria: (7-1-21)T

a. Applicants will be ranked according to their overall score. Scores will be calculated using the sum of: (7-1-21)T

i. The average score of the program quality indicators; and (7-1-21)T

ii. The average score of the instructor-specific program quality indicators. (7-1-21)T

04. Incentive Grant Award. (7-1-21)T

a. Announcement of the grant award will be made following administrator approval through the distribution of a funding authorization letter. Prior to the distribution of the letter, the division will verify that the grant recipient continues to teach at the same school, in the same agricultural and natural resources program, and at the same FTE level as indicated on the formal application. (7-1-21)T

b. The total number of recipients will vary by year in accordance with the availability of funds and the qualifications of the applicant pool. Awards will be in the amount of ten thousand dollars (\$10,000) until available funds are exhausted or all qualified recipients have been awarded the grant. In the event that funds are exhausted and a qualified teacher does not receive the grant in the year he or she applies, that teacher will receive priority consideration for the grant the following year. If the teacher(s) reapplies and continues to meet the minimum qualifications the following year, he or she will be eligible to receive the grant regardless of where he or she ranks. Once the prioritized teacher(s) has been awarded funds, the remaining teachers will be ranked and funds will be awarded until the remaining funds have been exhausted. This cycle of prioritization may continue for multiple years; once a qualified teacher receives funds, he or she automatically moves back into the pool of teachers whose applications will be ranked in the following application cycle. Grants may be less than ten thousand dollars (\$10,000) when certain conditions exist: (7-1-21)T

i. In the event of a tie, and in those instances where the number of qualified applicants exceeds the available funds, grants will be awarded equally among those recipients with a tied score. (7-1-21)T

ii. Grants will be awarded using FTE to calculate the percent of time an instructor spends teaching within an approved agricultural and natural resources program. In the event an instructor teaches in an approved program in less than a full-time capacity, grants will be pro-rated according to the percent of time the instructor spends teaching in the approved program. (7-1-21)T

- c. Grants are awarded on an annual basis and are not transferable. (7-1-21)T
- d. The use of grant funds must be in accordance with division guidelines and must be clearly linked to the agricultural and natural resources program identified on the formal application. (7-1-21)T
- e. Grant funds may be used to improve the agricultural and natural resources program, including but not limited to: (7-1-21)T
 - i. Offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor; (7-1-21)T
 - ii. Purchase or repair equipment; or (7-1-21)T
 - iii. Purchase educational supplies/curricula. (7-1-21)T
- f. Grant funds may not be used to: (7-1-21)T
 - i. Cover the costs of either salaries or benefits, including extended contracts; (7-1-21)T
 - ii. Offset expenses associated with the FFA organization or other student organizations; or (7-1-21)T
 - iii. Supplant other district funding sources, e.g. routine facility maintenance or improvements. (7-1-21)T

101. -- 199. (RESERVED)

200. START-UP GRANT.

01. Eligibility Requirements. A school district may apply for a start-up grant for a newly-approved agricultural and natural resources program or to re-establish an agricultural and natural resources program in any grade, nine (9) through twelve (12), when specific eligibility requirements are met. Districts are eligible to apply for the grant within the first three (3) fiscal years their program is approved or re-established. If a district applies for the grant but does not receive it, the district may reapply the following year(s). However, the district may only receive the grant once and may not apply beyond the three-year window. (7-1-21)T

a. To start a new program, districts are required to first complete a request for new secondary program of study form for a new agricultural and natural resources program in one (1) of the specified grades. The new agricultural and natural resources program must then be approved by the division prior to application for the grant. Expansions of existing programs, including the addition of new career pathways or additional staff, do not qualify as a new program. (7-1-21)T

b. To re-start a program, districts are required to first complete a Request for New Secondary Program of Study form to re-establish an agricultural and natural resources program in any grade nine (9) through twelve (12). The re-established agricultural and natural resources program must then be approved by the division prior to application for the grant. The re-established program must have been inactive for at least two (2) academic years to qualify for the grant. (7-1-21)T

02. Application Process. A school district may submit an application for a new or re-established program. Completed applications, which must be authorized by the district superintendent, must be submitted to the division according to the timeline established by the administrator. In the event of a mailed application, the application must be postmarked no later than the timeline specified in the request. (7-1-21)T

a. Applications must include all required information outlined in the grant application, including specific documents detailing the district's proposed budget and long-term strategy for sustaining the program. (7-1-21)T

b. Should the division request additional information from a district regarding a grant application,

districts must respond to the request within the time period indicated. Failure to respond will result in the cancellation of the application and/or the forfeiture of the grant. (7-1-21)T

03. Selection of Grant Recipients. Grants will be awarded annually by the division based on the availability of grant funds and the number of qualified programs. Grants will be awarded to districts based on ranking and priority that considers factors including but not limited to: the strength of the budget proposal, sustainability potential of the proposed program, and the history of prior grant awards. (7-1-21)T

04. Start-up Grant Award. Announcement of the grant award will be made following administrator approval through the distribution of a funding authorization letter. The total number of recipients will not exceed four awards annually, and may vary by year in accordance with the availability of funds and the qualifications of the applicant pool. Awards will be in the amount of twenty-five thousand dollars (\$25,000) until available funds are exhausted or all qualified recipients have been awarded the grant. (7-1-21)T

a. Grants are awarded on a one-time basis and are not renewable or transferable. If a district is awarded the grant for a new program, the program is ineligible for future awards should the program terminate and then be re-established. (7-1-21)T

b. Use of grant funds must be in accordance with division guidelines and must be clearly linked to the agricultural and natural resources program identified on the formal application. If a district fails to spend the entire award amount, those funds may not be carried forward to the next fiscal year. (7-1-21)T

c. Grant funds may be used to improve the agricultural and natural resources program, including but not limited to: (7-1-21)T

i. Offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor; (7-1-21)T

ii. Purchase or repair equipment; (7-1-21)T

iii. Purchase educational supplies/curricula; or (7-1-21)T

iv. Start-up costs, up to one thousand dollars (\$1,000,) associated with establishing a new chapter of FFA or other relevant student organization. (7-1-21)T

d. Grant funds may not be used to: (7-1-21)T

i. Cover the costs of salaries and/or benefits, including extended contracts; (7-1-21)T

ii. Offset ongoing expenses associated with the FFA organization or other student organizations; or (7-1-21)T

iii. Supplant other district funding sources, e.g. routine facility maintenance or improvements. (7-1-21)T

201. -- 299. (RESERVED)

300. PAYMENTS.

Payment of grant funds will be made to the district once the final award determinations are made. For grants awarded under Section 100, funds will be made to the district on behalf of the instructor. No later than June 30 of the fiscal year the grant was received, the district must submit a detailed expenditure report to the Division. Each report is subject to review and verification by the Division and must detail that all expenditures were allowable under the grant and that all funds were spent within the fiscal year. Any unspent grant funds must be returned to the Division. (7-1-21)T

301. APPEALS.

Any grant applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The grant applicant or recipient must appeal in writing no later than thirty (30) days following the announcement of the award, and the written statement must include the basis for the appeal. The appeal

must be submitted to the administrator. The division shall acknowledge receipt of the appeal within seven (7) days. The administrator may or may not agree to review the action, or may appoint a subcommittee of three (3) persons to hear the appeal, including at least one (1) agricultural and natural resources professional. (7-1-21)T

01. Review. If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the administrator within fifteen (15) days from the time the subcommittee receives the appeal document. The grant applicant or recipient initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. (7-1-21)T

02. Presentation. Following the subcommittee's decision, the administrator will present the subcommittee's recommendation to the board at the next regularly scheduled meeting of the board. The grant applicant or recipient initiating the appeal may, at the discretion of the board, be permitted to make a presentation to the board. (7-1-21)T

03. Final Decision. The decision of the board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the board. The board will inform the incentive grant applicant or recipient in writing of the decision of the board. (7-1-21)T

302. -- 999. (RESERVED)